

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.5005 OF 1995

Shantibai Anandrao Rane & ors ..Petitioners

V/s.

Hindurao Vishnu Abitkar & ors ..Respondents

Mrs.Mamta M. Kochar for the petitioners

CORAM : R.V.MORE, J.

DATE : 20TH JUNE, 2007

P.C.

1. Heard Mrs.Mamta M. Kochar for the petitioners. None for the respondents. The petitioners by this petition under Article 227 of the Constitution of India challenges the order dated 28th February, 1995 and also the order dated 13th September, 1995 in Special Civil Suit No.218 of 1989. By the order dated 28th February, 1995, the trial Court stayed further hearing of the suit till the decision of the Writ Petition No.2178 of 1993 which was then pending before the Hon'ble High Court, Mumbai. By subsequent order dated 13th September, 1995, the trial Court rejected the petitioners' application at Exh.67 requesting to

take the suit for hearing.

2. The learned counsel appearing for the petitioner Mrs.Mamta M. Kochar produced xerox copy of the order passed by this Court on 10th October, 2006 in Writ Petition No.2178 of 1993. After perusal of the above said order it is clear the aforesaid Writ Petition is dismissed and Rule is discharged. In these circumstances, the learned counsel for the petitioners submitted that this petition has become infructuous and, therefore, prayed for leave to withdraw the same.

3. In view of the above, I pass the following order.

O R D E R

A. The petitioners are granted leave to withdraw the petition. Petition is dismissed as withdrawn.

B. In the interest of justice, hearing of Special Suit No.218 of 1989 pending on the file of 5th Joint Civil Judge, Senior Division, Kolhapur is expedited. No order as to costs.

(R.V.MORE, J.)

